

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION - COLUMBUS**

In re:) Case No. 10-60487
)
Anthony D. Dillon and) Judge Hoffman
Kari J. Dillon,)
) Chapter 13
Debtors.)

**MOTION OF DEBTORS ANTHONY & KARI DILLON TO AVOID JUDICIAL LIEN
OF STATE OF OHIO WITH 20(A) NOTICE**

Now come the Debtors, Anthony & Kari Dillon, by and through counsel, pursuant to 11 U.S.C. § 522(f) and respectfully request this Honorable Court to issue an order avoiding the judicial lien of creditor, the State of Ohio against the residential property of the Debtors. Said judicial lien impairs the homestead exemption to which the Debtors would have been entitled. A memorandum in support of this Motion is incorporated, herein, and made reference, hereto.

Respectfully Submitted,

THE ROMANO LAW FIRM

/s/ Joseph M. Romano
Joseph M. Romano (0074709)
50 Public Square
400 Terminal Tower
Cleveland, OH 44113
614-850-0777
216-621-7780 (fax)
Counsel for the Debtors

MEMORANDUM IN SUPPORT

In support of said Motion, the Debtors represent to this Honorable Court as follows:

1. Debtors, Anthony & Kari Dillon commenced this case on August 30, 2010 by filing a Voluntary petition under Chapter 13 of Title 11 of the United States Bankruptcy Code;
2. That the Order Confirming the Chapter 13 Plan was filed on January 14, 2011;
3. That the Debtors are the owners of certain residential real property situated at 2391 Indian Creek Court, Grove City, OH 43123 (Hereinafter the "Residence").
4. That the Residence has been valued at \$152,000. [Docket Entry #17].
5. That the Debtors are entitled to exempt said Residence under Section 2329.66 (A)(1)(b) of the Ohio Revised Code;
6. That the Debtors did not claim a homestead exemption regarding said Residence in Schedule C of their Voluntary Petition because the secured value of creditor, Sovereign Bank, is valued at \$152,733.61. *See, Schedule D, Voluntary Petition* [Docket Entry #21]. *See also, Proof of Claim #1 of Sovereign Bank* filed on June 8, 2011.
7. That on or about November 18, 2009, the State of Ohio Department of Taxation, perfected a judicial lien in the amount of \$1,704.46 against the Residence of the Debtors (in Franklin County Common Pleas Court, Case No. 09 JG 11 48065).
8. That the Creditor is neither an infant, an incarcerated convict nor an incompetent person
9. That the right of the Debtors to fully enjoy the benefits of the homestead exemption is impaired; the sum of the judicial lien, all other liens on the home, and the amount of the exemption that the Debtors could claim if there were no judicial lien on the home clearly exceeds the value that the interest of the Debtors would have been in the absence of any judicial liens; specifically:

A. The amount of the Judicial Lien	\$1,704.46
B. Amount of the First Lien	\$152,733.61
C. Amount of the impaired exemption	\$40,400.00
D. Value of the Real Estate	\$152,000.00

10. That the Judicial lien of the creditor will interfere with the ability of the Debtors to obtain a fresh start subsequent to the pending bankruptcy proceedings.
11. That, the State of Ohio also has another judicial lien on the Debtors' residential property, which is currently being disputed [see, docket entry #37].
12. That, the amount listed in Schedule D as the amount currently due and owing on *both* judicial liens (09 JG 11 48065 and 09 JG 11 48066), upon information and belief, is \$715.32.

WHEREFORE, Debtors, Anthony & Kari Dillon, respectfully request this Honorable Court to issue an order avoiding the Judgment lien of Creditor, State of Ohio, and for such other and further relief as may be deemed appropriate and equitable.

Respectfully Submitted,

THE ROMANO LAW FIRM

/s/ Joseph M. Romano
Joseph M. Romano (0074709)
Attorney for Debtors

20(a) NOTICE OF MOTION

The Debtors have filed papers with the Court to avoid a judicial lien.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion/objection, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to:

United States Bankruptcy Court
170 North High Street
Columbus, OH 43215

OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the date above.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

THE ROMANO LAW FIRM
50 Public Square, 400 Terminal Tower
Cleveland, OH 44113

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief without further hearing or notice.

Dated: 1/30/2012

/s/ Joseph M. Romano
Joseph M. Romano (0074709)
THE ROMANO LAW FIRM
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400 Terminal Tower
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614-850-0777
216-621-7780 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of January, 2012, copies of the Notice of Motion to Avoid Judicial Lien and Motion to Avoid Judicial Lien were served upon the following parties via the Court's ECF/CM system:

Asst U.S. Trustee
ustpreion09.cb.ecf@usdoj.gov

Jeffrey P. Norman, Chapter 13 Trustee
notices@ch13columbus.com

The following parties were served by regular U.S. mail on the 30th day of January, 2012:

Ohio State Attorney General
30 E. Broad Street, 17th Floor
Columbus, OH 43215

Ohio Department of Taxation, Bankruptcy Division
PO Box 530
Columbus, OH 43216

/s/ Joseph M. Romano
Joseph M. Romano (0074709)
THE ROMANO LAW FIRM
Counsel for the Debtors